CLERK: Mr. President, I move to return LB 542 to Select File for specific amendment, to strike the enacting clause. Signed Senator Cavanaugh.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: Mr. President, members of the Legislature, I am not sure whether this bill should be killed or not but it's got some problems. This is for an informal hearing in Juvenile Court prior to adjudication. It provides two things that I think...or it doesn't provide one thing, there is no right to counsel in here at this pre-adjudication hearing or informal adjudication hearing and it has a paragraph that says that if the informal adjustment, what they call it, does not work out that any evidence attained during the course of the counseling will be inadmissable in the adjudication hearing. That would seem to me to mean that if you initiated one of these informal adjustment hearings...proceedings and it didn't work out, you would never be able to prosecute the case because you most likely would have discussed the merits of the case with the offender and I think that that would create a severe problem for any prosecuting attorney. Then in Section 3 it goes on to say that if, in the discretion of the prosecuting attorney, the adjudication... that they may withdraw from the adjudica...adjustment process at any time and at the discretion of the prosecuting attorney, an adjudication hearing at a future date may be held. That is unclear as to who may withdraw and what the role...I don't understand what the role of the prosecuting attorney is there. I think somebody should answer some of those questions before we pass the bill. So I'd move that it be returned, at least, for purposes of discussion.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Well, I am going to oppose the moving it back to strike the enacting clause. We have had debate on this bill two or three times. Senator Cavanaugh, I think, made an attempt the same way on the original bill. I know Senator Luedtke can answer his law questions as far as it goes but as far as the right to counsel, I think that has already been defined in another statute and there is always the right to counsel and the court is to tell the juvenile that. So I think that objection is out of order and the other one that he is talking about in Section 3, I guess I don't understand what he is really saying. I am like he is on some of these bills when he wants them killed. He don't understand what the introducer is talking about. Now on this objection, I don't understand what he is talking about. 542 was to provide procedures when certain conditions are met. Then after an adjudication... but before entering an order of adjudication, the county attorney, court, child and parents may agree to use informal means to rectify the matter before the court and I think that is all it does. I think if Senator Cavanaugh tries to read anything else into it, I think he is reading too much into the bill and, therefore, I'd oppose taking it back and go ahead with the final reading of it, and if he starts questioning me like I am on a stand, I am going to get my attorney to represent me, too.